

REMARKS

Summary of the Final Office Action

In the Final Office Action, claims 1, 3-4 and 6 remain rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0 825 737 A1 to Higuchi et al. (hereinafter "Higuchi").

Summary of the Response to the Final Office Action

Applicants have amended independent claims 1 and 4 to differently describe embodiments of the instant application and to improve the form of the claims. Accordingly, claims 1, 3-4 and 6 remain pending for consideration.

The Rejections under 35 U.S.C. § 102(b)

Claims 1, 3-4, and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Higuchi. To the extent that this rejection might be deemed to still apply to the claims as newly-amended, it is respectfully traversed as follows.

The Office Action applies Higuchi as allegedly disclosing that "a threshold value decision is made to determine that the received long code is the spreading code if the maximum correlation value exceeds the threshold value (when the calculated correlation exceeds a predetermined threshold value, see lines 46-58, col. 14 and lines 1-14, col. 15 and Fig. 9)." Applicants respectfully traverse the Office Action's interpretation of Higuchi in this regard because Higuchi merely decides a threshold value for the maximum correlation value. See, for example, col. 14, lines 46-48 of Higuchi.

On the other hand, Applicants respectfully submit that in embodiments described in the present application's disclosure, a detecting device calculates a correlation between a signal correlated with the division signal and the received down link signal for each of a plurality of predetermined time intervals. The detecting device then detects the division signal out of the received down link signal when the calculated correlation calculated for each of the predetermined time intervals exceeds a predetermined threshold value. In other words, in embodiments described in the instant application's disclosure, the determination using a threshold value is made for each of a plurality of predetermined time intervals. See, for example, page 13, line 2 – page 14, line 6 of the instant application's specification.

In order to advance the prosecution of the instant application, each of independent claims 1 and 4 have been newly-amended to differently describe embodiments of the instant application including these particular features. Applicants respectfully submit that at least these particular features are neither shown nor suggested by the applied Higuchi reference and the associated rejection should thus be withdrawn.

Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) should be withdrawn because Higuchi does not teach or suggest each feature of independent claims 1 and 4, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that dependent claims 3 and 6 are allowable

at least because of the dependence from independent claims 1 and 4, as amended, respectively, and the reasons set forth above.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the entry of the Amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit Account

50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR
EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted

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